**GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES EXAMINED**

**AT THE IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING**

**LONG-TERM AND PALLIATIVE CARE**

**National legal framework**

1. *What are the legal provisions in your country that recognizes the right to long-term and palliative care? Do they have a constitutional, legislative or executive foundation?*

If the single or multiple impairment reduces personal autonomy, related to age, causing as necessary a permanent, continuous and global assistance intervention in the individual sphere or in the relationship sphere, then the situation assumes connotation of severe disability (article 3, paragraph 3 of the Law 05 February 1992, n.104).

At the Ministry of Labour and Social Policies was established the National Fund for non self-sufficient persons (FNA) in order to guarantee the implementation of the essential levels of welfare services throughout the country with regard to non self-sufficent persons (article 1, paragraph 1264 of the Law of 27.12.2006, n.296).

The Ministry assigns to the autonomous Regions and Provinces the resources allocated each year by the budget law for the coverage of socially relevant costs of services, interventions and welfare services in the integrated provision of social and health services for non self-sufficient persons.

The resources aim at covering the socially relevant costs of social-health care and are additional to the resources already allocated to the services for non-self-sufficient persons by the Regions, as well as by local authorities. The services are not substitutive, but additional and complementary to the health services.

The Regions allocate a share of no less than 50% for interventions in favour of persons with severe disabilities, including those in support of persons suffering from amyotrophic lateral sclerosis and of persons with very severe dementia, including those suffering from Alzheimer's disease.

These are the purposes of the National Fund for non self-sufficient persons:

1. realization of services, interventions and welfare services within the integrated offer of social and health services in favour of non self-sufficient persons;
2. the activation or strengthening of support to the non self-sufficient persons and their family through the increasing of , including in terms of hours of personal assistance and family support, in order to promote autonomy and permanence in domicile, adapting performance to the evolution of home care models;
3. the provision of support to the non self-sufficient person and their family, possibly also with monetary transfers to the extent that they are conditional on the purchase of home care and assistance services in the forms identified by the Regions or the direct supply of by part of family and neighbours based on the personalized plan;
4. the provision of support to the non self-sufficient persons and their family, possibly also with complementary assistance to home care, starting from admissions in social-health facilities. That in so far as the social-health facilities are effectively complementary to the domiciliary path. The burden of the social quota is assumed also for other support actions identified in the personalized plan. The services provided in residential facilities with a continuous cycle are excluded from funding of the National Fund for non self-sufficient persons.

**Normative elements**

*2. What are the key normative elements of the rights to long-term and palliative care? Please provide references to existing laws and standards where applicable.*

*3. How should long-term care and palliative care be legally defined?*

**Implementation**

*4. What are the policies and programmes adopted by your country to guarantee older person’s enjoyment of their right to long-term and palliative care?*

*5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?*

**Equality and non-discrimination**

*6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to long-term and palliative care, paying special attention to those who are vulnerable or in vulnerable situation?*

**Participation**

*7. Does the design and implementation of normative and political framework related to long-term and palliative care include an effective and meaningful participation of older persons?*

**Accountability**

*8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to long-term and palliative care?*